IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

WEDNESDAY, THE 6TH JUNE 2007 / 16TH JYAISHTA 1929

Arb.A.No. 17 of 2007()

OPARB.18/2006 of DISTRICT COURT, KOTTAYAM
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APPELLANTS/PETITIONERS:
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1. PARTHAS TEXTILES,
K.K. ROAD, KOTTAYAM, A FIRM REGISTERED UNDER THE INDIAN PARTNERSHIP ACT HAVING ITS OFFICE AT PARTHAS BUILDINGS, K.K. ROAD, KOTTAYAM, REPRESENTED BY MANAGING PARTNER, S.RAJAKRISHNAN.

2. S.RAJAKRISHNAN,
S/O.LATE SREENIVASA REDDIYAR, AGED 49 YEARS, MANAGING PARTNER, PARTHAS TEXTILES, K.K.ROAD, KOTTAYAM.

3. S. NAGARAJULU,
S/O. LATE SREENIVASA REDDIYAR, AGED 62 YEARS, MANAGING PARTNER, PARTHAS TEXTILES, P.H. ROAD, THIRUVANANTHAPURAM.

4. S. ARJUNAN,
S/O. LATE SREENIVASA REDDIYAR, AGED 51 YEARS, MANAGING PARTNER, PARTHAS TEXTILES, P.H.ROAD, THIRUVANANTHAPURAM.

5. S. VISWANATHAN,
S/O.LATE SREENIVASA REDDIYAR, AGED 54 YEARS, MANAGING PARTNER, PARTHAS TEXTILES, CAPE ROAD, NAGARCOIL.

BY ADV. SRI.K.L.VARGHESE
SMT.SANTHA VARGHESE
SRI.P.GOPAL

ARB.A.17/2007

RESPONDENTS: RESPONDENTS:
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1. S. VARADARAJULU, AGED 55 YEARS,
S/. LATE SREENIVASA REDDIYAR, RESIDING AT
THRAYAMBAKAM, PODUVAL LANE, THIRUNAKKARA,KOTTAYAM.

2. MRS. THANKAMANI VARADARAJULU,
W/O. VARADARAJULU, RESIDING AT THRAYAMBAKAM,
PODUVAL LANE, THIRUNAKKARA, KOTTAYAM.

BY

THIS ARBITRATION APPEAL HAVING COME UP FOR ADMISSION ON 06/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

ARB.A.NO.17 OF 2007 ()

Dated this the 6th day of June, 2007

J U D G M E N T

KOSHY,J.

Appellants are the petitioners in O.P.(Arbitration) No.18/2006. They filed petition under Section 9 of the Arbitration and Conciliation Act, 1996 for interim measures. They wanted an injunction against alienating the properties by respondents 1 and 2. It is case of the petitioners that firms money is diverted and respondents 1 and 2 are acquiring properties. Second respondent is not a party to the arbitration proceedings. Apart from the above, prima facie materials were also not produced before the court to substantiate the allegations. In the above circumstances, the court below did not grant the injunction. However, this will not prevent the petitioners to file separate petitions against respondents 1 and 2 and it is for the District Court to consider the same according to law. We are not expressing any opinion regarding the

merits of the matter and observations in the impugned order or in this judgment shall not in any way affect the arbitration proceedings or future proceedings before any court. With the above observations this Arbitration appeal is dismissed.

J.B.KOSHY, JUDGE

K.P.BALACHANDRAN, JUDGE

prp

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

M.F.A.NO. OF 2006 ()

J U D G M E N T

1st June, 2007